

REMARKS

Claims 2, 12-19, 21, 22, 28-30, 32-35 and 72-79 presently appear in this case. All of the claims previously appearing in this case, except for claim 3, were indicated to be allowable but were subject to an interference proceeding. This interference proceeding has now culminated in a decision awarding judgment against the present applicants as to claims designated as corresponding to Count 2. In the redeclaration of the interference dated May 22, 2006, claims 19, 21, 22, 31 and 33-35 were designated as not corresponding to the Count 2 and, therefore, not involved in the interference. Accordingly, these claims remain allowable. The present amendment effectively places the allowable claims into independent form or into dependent form that is dependent from an allowable claim. Furthermore, previously appearing dependent claims have now been made dependent from claims that were not involved in the interference and, therefore, may issue in the present application.

Following an interference proceeding involving the present application, the interference was redeclared and final judgment was entered against the present applicants on April 11, 2006. Following a request for reconsideration, the interference was again redeclared, and a new decision was issued entering final judgment against Edelman as to the

claims designated as corresponding to Count 2 after the redeclaration of May 22, 2006. Due to an apparent typographical error, the judgment was entered against "Stomp." This error has now been corrected by an Errata dated June 22, 2006.

Attached hereto is a copy of the redeclaration issued by the Board of Patent Appeals and Interferences on May 22, 2006. Also attached is a copy of the judgment entered on the same date and the Errata of June 22, 2006. It can be seen that this final redeclaration clearly states that Edelman claims 19, 21, 22, 31 and 33-35 do not correspond to Count 2 and, therefore, are not involved in the interference. Accordingly, despite having adverse judgment entered against the present applicants as to Count 2 of the redeclared interference, claims 19, 21, 22, 31 and 33-35 were not involved in the interference and, therefore, may issue in the present application. Accordingly, claim 12 has now been amended to appear as claim 31 rewritten into independent form. Claim 34 has also been rewritten to appear in independent form.

The previously appearing dependent claims have now been amended to depend from the claims that remain allowable following the interference proceeding. Accordingly, these claims are now all allowable for the same reasons as the

independent claims from which they depend. Another set of the same dependent claims have been inserted dependent from new independent claim 34.

Accordingly, all of the claims presently appearing in this case are patentable to the present applicants in light of the indication of allowability by the examiner in the communication of June 30, 2004, and in view of the Board of Patent Appeals and Interferences papers of May 22, 2006, indicating that Edelman claims 19, 21, 22, 31 and 33-35 are not involved in the interference. Prompt consideration of this amendment and the Information Disclosure Statement filed on even date herewith, and passage of this case to issue are, therefore, earnestly solicited.

Respectfully submitted,

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